



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

Via U.S. Postal Service and Email

November 12, 2014

Mr. Greg Norby
General Manager
Sanitary District No. 1 of Marin County
2960 Kerner Blvd.
San Rafael, CA 94901
gnorby@rvsd.org

**Re: Toxic Substances Control Act, Polychlorinated Biphenyls – Application Under 40 CFR
761.61(c), Former Ross Valley Sanitary District Waste Water Treatment Plant, Larkspur, CA**

Dear Mr. Norby:

Thank you for submitting the “*Application for Risk-Based Cleanup of PCB-Impacted Site Sanitary District No. 1 of Marin County – Former Wastewater Treatment Plant 2000 Larkspur Circle, Larkspur, CA*” dated July 24, 2014 and subsequently amended in September 2014 (Application).¹ The Application (hereafter refers to the amended Application) was prepared by Kennedy/Jenks Consultants for the Ross Valley Sanitary District (RVSD). The U.S. Environmental Protection Agency Region 9 (EPA) is approving the Application with conditions (Approval) under the Toxic Substances Control Act (TSCA) regulations for polychlorinated biphenyls (PCBs) in 40 CFR 761.61(c) (risk-based disposal approval). Enclosed is the Approval, which is effective immediately.

In October 2014, RVSD planned to meet with the Golden Gate Bridge and Highway Transportation District and possibly other parties on the proposed interim use of the property. Subsequently, RVSD requested information about EPA’s Approval to prepare for those meetings. In response to that request, EPA sent an email message to you informally transmitting draft preliminary conditions of approval in advance to the enclosed Approval.

In general, RVSD proposes in its Application a short-term use for about five (5) acres (Phase 1 Site) of the approximately 10.5-acre property (Property or Phase 2 Site) as a public commuter parking lot (parking lot). The Application briefly describes measures that RVSD will take post-construction of the parking lot to minimize exposures to PCBs such as inspection and repairs of the parking lot surface and best management practices to control storm water runoff. Based on the limited and very preliminary conceptual design of the parking lot, we believe that such use should prevent exposure to dust that may contain PCBs if properly maintained. Potential impacts to surface water in

¹ Kennedy/Jenks email messages in September 2014 responding to EPA’s request for additional information amended the Application.

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proximity to the Property must be minimized or prevented via adequate storm water runoff controls and sediment removal, and if necessary, disposal consistent with the TSCA PCB regulations.

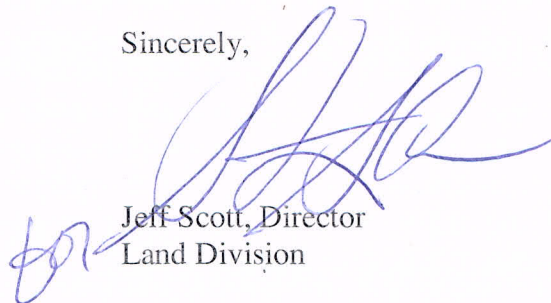
EPA therefore concurs with RVSD's proposed short-term use of the 5-acre portion (Phase 1 Site) of the Property with the conditions established in the Approval. Those conditions, which modify the Application, do not prohibit or limit the scope of the short-term use. RVSD has preliminarily estimated the short-term use of the Phase 1 Site to last about three (3) to five (5) years. The Approval requires that RVSD verify the short-term use of the Phase 1 Site. EPA is planning to conduct a site visit during the week of November 17, 2014.

EPA's Approval also addresses the future long-term use of the Property (Phase 2 Site). EPA will require cleanup of PCBs at the Property to cleanup goals consistent with potential future long-term residential uses of the Property. RVSD has indicated that it will propose to EPA the long term use of the Property in the future when it plans to pursue an "unrestricted closure of the site."

Finally, RVSD requested a no further action (NFA) letter from EPA in reference to the planned use of the Phase 1 Site as a parking lot. This request is premature. EPA may issue a cleanup acknowledgement letter after RVSD verifies the environmental status of the Property, submits a future Application amendment that addresses the long-term use of the Property, and completes any PCB cleanup necessary to facilitate such use consistent with a future EPA TSCA cleanup approval. The future Application amendment must demonstrate the proposed long-term use of the Property will not result in no unreasonable risk of injury to health or the environment.

We look forward to being of assistance to RVSD and its consultants on PCB matters associated with the Property. If you have questions concerning the enclosed Approval, please call Carmen D. Santos at 415.972.3360 or send correspondence to santos.carmen@epa.gov. Thank you.

Sincerely,



Jeff Scott, Director
Land Division

Enclosure (U.S. EPA Conditional Approval)

Cc: Todd Miller, Kennedy/Jenks Consultants

**U.S. Environmental Protection Agency Region 9
TSCA Conditional PCB Cleanup Approval Under 40 CFR 761.61(c)**

Former Ross Valley Sanitary District Waste Water Treatment Plant
2000 Larkspur Landing Circle, Larkspur, California

November 12, 2014

A. Introduction, Brief Background, and Measures to Minimize Exposure

1. Introduction

The U.S. Environmental Protection Agency Region 9 (EPA) hereby approves with conditions the “*Application for Risk-Based Cleanup of PCB-Impacted Site Sanitary District No.1 of Marin County – Former Wastewater Treatment Plant 2000 Larkspur Circle, Larkspur, CA*” dated July 24, 2014 and subsequently amended in September 2014 (application). The application was prepared by Kennedy/Jenks Consultants (Kennedy/Jenks) for the Ross Valley Sanitary District (RVSD). In response to EPA’s request, Kennedy/Jenks submitted additional information via email messages in September 2014 that amended the application. In this Approval, EPA refers to the amended application as the “Application.” This Approval is effective immediately.

EPA is approving the Application with conditions under the Toxic Substances Control Act (TSCA) regulations for polychlorinated biphenyls (PCBs) in 40 CFR 761.61(c) (risk-based disposal approval). This Approval covers the short-term use of about five (5) acres (Phase 1 Site) of the approximately 10.5-acre property (Property or Facility, Phase 2 Site) where RVSD’s former Waste Water Treatment Plant was located.

In general, the Application describes RVSD’s plans for short-term use of the Phase 1 Site as a public commuter parking lot (parking lot), summarizes environmental investigations previously conducted at the Property and related laboratory analytical results, provides an estimated time frame during which the short-term use of the Phase 1 Site will be active, includes limited information on the construction of the parking lot and related post-construction monitoring, and proposes to record a restrictive land use covenant for the Property that covers the short-term use of the Phase 1 Site. The Application also includes the “Potential Health Risk Evaluation for Proposed Interim Use.”

In addition, the Application describes very generally measures that RVSD will implement in support of the proposed short-term use of the Phase 1 Site. Among others, such measures involve routine inspection and maintenance of the parking lot. Refer to Section A.3 below for more details.

2. Brief Background

- a. California DTSC and EPA involvement.** RVSD conducted site characterization and removal of soils contaminated with PCBs and other contaminants under the Department of Toxic Substances Control (DTSC) oversight. EPA was not involved in the site investigations and removal of PCB remediation waste from the Facility. EPA’s involvement with the RVSD

Facility began after DTSC had issued a no further action letter to RVSD and a prospective buyer and redeveloper was conducting due diligence activities related to redevelopment of the Facility. EPA was notified of the PCBs in 2009 by RVSD.

- b. RVSD's request for a no further action (NFA) letter from EPA.** RVSD has requested that EPA issue an NFA letter in connection to the short-term use of a portion of the Property (Phase 1 Site) as a parking lot. Please refer to the cover letter regarding this matter.

3. Measures to Minimize Exposure to PCBs During Short-Term Use of Phase 1 Site

Based on the Application, RVSD will (1) install a membrane above the soils where the parking lot will be constructed, (2) add and compact gravel above the membrane, (3) berm the parking area to control surface runoff, (4) ensure appropriate drainage and collection of storm water, (5) conduct quarterly inspections to verify the physical integrity of the parking lot cover is being maintained, (6) conduct repairs to parking lot surfaces that may be needed due to erosion and/or settlement, (7) implement best management practices (BMPs) "to capture site sediments in the drainage channel on the east of the site and the storm water basin at the south end of the site," and (7) keep records of parking lot inspections and repairs.

Absent design plans for construction of the parking lot, we consider the above general description of parking lot construction and post-construction activities as preliminary. However, as described in the Application, the general construction approach for the parking lot and proposed post-construction measures should reduce dust and, therefore, exposure to PCBs that may be present in soils.

This Approval requires that RVSD submit draft and final designs of the parking lot to EPA for review and approval from an environmental standpoint before construction.

B. Property Owner, Land Use, Sources of Contamination, and PCB Cleanup Site

- 1. Property (Site) Owner.** Ross Valley Sanitary District (RVSD) owns the property at 2000 Larkspur Circle, Larkspur, California where the RVSD's former Waste Water Treatment Plant (WWTP) was located. The majority of the WWTP was located within the Phase 1 Site. RVSD is separating the Property into three areas including (1) RVSD's continued operations (e.g., staging of equipment), (2) short-term parking lot area, and (3) vacant and unused land area.
- 2. Land Use.** The RVSD property is about 10.5 acres (Property). Except for certain operations conducted by RVSD at the Property, the land comprising the Property is vacant and fenced. The RVSD currently conducts operations within the Property and outside the planned short-term use portion of the Property. The Property is zoned as residential and commercial. Also, residential and commercial land uses are located in proximity to the Property. RVSD proposes a short-term use for about five (5) acres (Phase 1 Site) of the Property as a parking lot.

The ultimate, long-term use of the Property has not been decided by RVSD. However, previous property redevelopment plans included a mixed land use consisting of residential (e.g., homes, condominiums) and commercial (e.g., RVSD office building, hotel) uses.

- 3. Sources of PCB Contamination.** Sources of PCB contamination include and may not be limited to paint and/or sealants that coated concrete pipes and structures (e.g., tanks) at the WWTP. Total PCBs were detected in samples of the applied dried paint up to 48,000 milligram/kilogram (mg/kg). The dried paint is a PCB bulk product waste and concrete coated with such product is also a PCB bulk product waste if the paint is still adhered to the concrete surface at the time of disposal.

Crushed concrete coated with PCB-containing sealants or paints was used by RVSD to fill deep excavations in the WWTP area (mostly located within the Phase 1 Site). An approximate 1-foot layer of crushed concrete was placed at the surface in the areas where the WWTP bio-filters were located and in low-lying areas. On September 30, 2013, EPA and RVSD settled EPA's enforcement action addressing RVSD's illegal disposal at the Property of waste containing PCBs. According to RVSD, the waste was generated during RVSD's demolition of the WWTP.

- 4. PCB Cleanup Site.** The PCB Cleanup Site (PCS) encompasses the Property (inclusive of the former WWTP) and all the areas to where PCBs may have migrated. Migration of PCBs includes and it is not limited to the movement or redistribution of PCBs to (1) other locations within the Property due to grading, re-grading, backfilling of excavations; and/or due to other activities that may have disturbed soils contaminated with PCBs or use of wastes containing PCBs (e.g., WWTP demolition waste); and (2) locations in proximity to the Property boundary impacted by PCBs due to storm water runoff or other transport mechanism.

C. EPA's Conditions of Approval

This Approval is based on EPA's review of the Application, previous Property redevelopment plans, and the TSCA PCB regulations. EPA hereby approves RVSD's Application as modified by the conditions of approval established below for the short-term and long-term use of the Property. EPA is issuing this conditional approval (Approval) in accordance with 40 CFR 761.61(c) (risk-based disposal approval).

This Approval refers to the short-term and long-term use of the Property as the Phase 1 Cleanup Work (Phase 1 Work) and Phase 2 Cleanup Work (Phase 2 Work), respectively. Accordingly, the Phase 1 Site refers to that portion of the Property proposed for short-term use as a parking lot by RVSD. The Phase 2 Site refers to the entire Property which is inclusive of the Phase 1 Site. Section D below establish conditions of approval for the Phase 1 Work. Section E requires that RVSD submit an Application amendment for the Phase 2 Work.

The Application contains RVSD's proposal for short-term use of about 5 acres (Phase 1 Site) of its 10.5-acre property (Property) as a parking lot. The RVSD estimates this short-term use will last

about three (3) to five (5) years. RVSD is in negotiations with the Golden Gate Bridge and Highway Transportation District's Larkspur Ferry Terminal (Larkspur Ferry Terminal) and other parties over the proposed short-term use. This Approval will facilitate the short-term use of the Phase 1 Site as a parking lot and overflow parking for the Larkspur Ferry Terminal.

D. Conditions of Approval – Phase 1 Work, Short-Term Use as Commuter Parking Lot

EPA concurs with the short-term land use proposed by RVSD in the Application for the Phase 1 Site with the conditions established below. The attached figure identifies the Phase 1 Site. In addition, Table F.1 in Section F of this Approval provides the schedule of deliverables.

- 1. Additional characterization before parking lot pre-construction activities are conducted.** Within 30 days after the date of this Approval, submit an additional characterization sampling plan that addresses on-site soils at 0 to 3 inches and 12 inches below ground surface (bgs) at the Phase 1 Site (short-term use area) and areas beyond the Phase 1 Site that have been impacted by surface water runoff. Any areas where sidewalks and any other anticipated features associated with the short-term use will be constructed must be sampled. In addition, any area where vegetation will be removed is subject to additional sampling with the deepest depth for sample collection to be representative of the depth at which clearing and grubbing equipment will disturb soils. Samples are to be collected before the ground is disturbed.

Soils or sediments in areas where storm water runoff accumulates or it is collected at the Property and/or in proximity to the Property (such as and not limited to swales, storm water collection drains within the Property, and those at the Property boundary and adjacent to the Sir Francis Drake Boulevard) must be sampled. Discrete samples must be extracted preferably via EPA Method 3540C (Soxhlet) and analyzed via EPA Method 8082A or latest revision. Alternatively, the RVSD may have the samples extracted via EPA method 3550C (Ultrasonic) if surrogate recoveries are 70% or better. The RVSD may schedule a conference call or meeting with EPA before submitting the final SAP.

Analytical results for soils will be compared to a 0.24 mg/kg total PCBs (as Aroclor) cleanup goal (unrestricted land use). Cleanup of PCBs at the Phase 1 Site may be required, if necessary; and/or if any features (e.g., sidewalks) related to the parking lot are planned to remain permanently at the Property. EPA anticipates the Phase 2 Work will include cleanup of the Property to unrestricted land use levels.

Clarifications. The purpose of the required characterization sampling is to better understand current conditions at and adjacent to the Property. Based on data summarized in the Application, the most recent sampling conducted at the Phase 1 Site dates back to 2008. Grading was conducted at the Property in 2012. Most recently, RVSD has indicated that sidewalks will be constructed as part of the parking lot features. EPA is planning to conduct a site visit during the week of November 17, 2014.

EPA may require cleanup of PCBs within and beyond the Property consistent with the most stringent of the current surrounding land uses during development of the Phase I Site as a parking lot. Such cleanup would be required at this time if, for instance, structures such as sidewalks are constructed as part of the short-term use redevelopment and planned to be kept for long-term use. Cleanup of PCBs would also be required at this time in any areas within and/or beyond the Property through which storm water runoff may flow and/or accumulate.

2. **Parking lot and related features. Draft and final designs.** Within 60 days after the date of this Approval (or earlier if available), the RVSD must submit the draft parking lot design together with descriptive text for review. EPA will review the design from an environmental standpoint. The draft design must depict in detail all the parking lot elements such as and not limited to parking-lot-related features (e.g., sidewalks) and all layers associated with construction of the parking lot (e.g., geotextile [membrane] and gravel layers). The draft design must verify the type of membrane that will be used and related technical specifications (e.g., not limited to useful lifetime).

During its review of the design, EPA will determine if any additional sampling would be necessary before construction; and/or if any removal of soils or sediments contaminated with PCBs would be necessary; and if the parking lot meets the requirements for a TSCA PCB cap. If the draft parking lot design is not available within 60 days after the date of this Approval, EPA must be notified. RVSD's notification must include a written request for a time extension to submit the draft parking lot design for EPA review. The final parking lot design (including related features) must be submitted consistent with the deliverable schedule in Section F of this Approval.

3. **Separation of Property into three areas. Implementation of environmental and human exposure controls.** Within 30 days after the date of this Approval RVSD must verify in writing the purpose of separating the Property into the three areas described in the Application. Verify if this separation is to create separate Parcels within the Property or to facilitate environmental management of the Property.

Together with the above verification, RVSD must submit a plan that addresses environmental and human exposure controls at areas of the Property beyond the Phase I Site. Such controls should be described in detail for dust, storm water runoff, and sediments at the Property and in storm water collection systems such as drains at and adjacent to the Property.

4. **Site Management Plan (SMP).** Within 30 days after the date of this Approval submit the SMP to be implemented before and during construction of the parking lot and any related features (e.g., sidewalks). The SMP is to address management (such as removal and disposal) of soils that may contain PCBs.
5. **Dust control and monitoring.** Within 30 days before conducting any pre-construction activity (e.g., clearing and grubbing) at the Property, submit an air monitoring plan to address PCBs in dust. This plan must describe real-time monitoring to be conducted during pre-construction and construction activities. If surface soils will be wetted to minimize dust during vegetation removal

or other pre-construction activity, and/or during construction activities, describe in the dust control plan the method by which runoff that may be generated will be controlled, collected, and tested for PCBs. Please schedule a conference call or meeting with EPA to go over the calculations necessary to determine the not-to-exceed volume of dust in air.

In addition, the plan must include a section that addresses measures the RVSD will implement to prevent dust in areas of the Property beyond the Phase 1 Site boundary.

6. **Grading.** Within 30 days after the date of this Approval submit a written verification that grading will not occur in any portion of the Property outside the Phase 1 Site planned boundaries, as well as, during and as part of the pre-construction and construction activities at the Phase 1 Site.
7. **Post-Construction Site Management Plan (PCSMP), Land Use Covenant (LUC), and Post-Construction Report (PCR).** Within 30 days after completion of the parking lot construction submit the draft PCSMP, LUC, and PCR. The RVSD should schedule a meeting with EPA to discuss the contents of these documents before they are submitted in draft for EPA review. The final PCSMP, LUC (before recordation), and PCR must be submitted consistent with the deliverable schedule in Section F of this Approval.
8. **Contingencies.** Within 30 days after the date of this Approval, describe in writing the measures that RVSD will undertake in case PCBs are found in soils or other media at concentrations higher than those identified in facility investigations conducted before this Approval. Contingencies must also be included in the pre-construction SMP, PCSMP, and the plan to control and monitor dust.
9. **Marking, onsite storage, and offsite disposal of soils contaminated with PCBs and other PCB remediation waste. Decontamination of equipment including sampling, movable equipment (e.g., clearing and grubbing equipment grubber).** The applicable TSCA PCB regulations in 40 CFR 761.61(a) and 40 CFR 761.79 must be followed for disposal of PCB remediation waste and decontamination of sampling and movable equipment, respectively. Storage of PCB wastes must be consistent with the requirements in 40 CFR 761.65(c)(1) or (c)(9) depending on the selected method for storage of PCB remediation waste. If the PCB remediation waste contains total PCBs at levels below 50 mg/kg, this Approval requires that such waste be stored in similar manner as described in these sections of the regulations.
10. **Imported fill.** Within 30 days after the date of this Approval submit copies of the laboratory analytical reports for the imported fill used at the Property.
11. **Schedule for short-term use and PCB cleanup.** The RVSD has estimated a three (3) to five (5) year short-term use of the Phase 1 Site as a parking lot. Within seven (7) days after RVSD and interested parties sign agreements or contracts with transit authorities and other relevant parties, RVSD must submit to EPA an accurate, written verification of the time frame during which the Phase 1 Site will be used as a parking lot. If in the future the RVSD anticipates the

short-term use for the Phase 1 Site will extend beyond the verified time frame, RVSD must notify EPA within 30 days after reaching that conclusion.

E. Conditions of Approval – Phase 2 Work, Long-Term Use of Property

- 1. Amendment to Application for long-term use of Property.** Within 90 days after RVSD notifies EPA in writing that the short-term use of the Phase 1 Site as a parking lot has ended, RVSD must submit a draft amendment to the Application that covers the long-term use of the Property (Phase 2 Site). The required notification must include the conceptual scope of the long-term use of the Property. RVSD must also schedule a meeting with EPA to go over RVSD's long-term use plans for the Property and the draft Application amendment.

F. Schedule of Deliverables

The deliverables required in this Approval will become a part of this Approval after EPA reviews and approves such deliverables. The deliverables must be submitted within the required deadlines. If RVSD is not able to meet a specific deadline, RVSD must notify the EPA Project Manager in writing within 10 days before the due date of the deliverable's deadline. In that notification, RVSD must explain the reason why it cannot meet the required deadline and request a time extension to submit the deliverable. Most of the deliverables include submission of a final version. EPA may approve deliverables with conditions and not require a final version be submitted. RVSD must implement any deliverable as modified by EPA's Approval. Deliverables that will be required to be part of the LUC must be in a final version approved by EPA.

EPA will approve deliverables within 45 to 60 days after receipt if the deliverables contain complete information. If EPA is not able to approve a deliverable within that time frame, EPA will notify RVSD and let RVSD know of a revised date by when EPA will be able to approve the deliverable.

The RVSD may schedule conference calls or meetings with EPA to discuss the scope of any draft or final deliverable required in this Approval before RVSD's submits the deliverables for approval.

Table F.1 - Schedule of Deliverables for Phase 1 and Phase 2 Sites

Condition	Phase 1 Site, Short-Term Use Deliverables	Deadline
D.1	Additional Characterization Sampling Plan, Draft	Within 30 days after date of this Approval.
D.1	Additional Characterization Sampling Plan, Final	Within 30 days after EPA's comments on Draft Plan.
D.2	Parking Lot Draft Design	Within 60 days after date of this Approval.
D.2	Parking Lot Final Design	Within 30 days after EPA's comments on Draft Design.
D.3	Verify Property Separation into Areas	Within 30 day after date of this Approval.

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D.4	Site Management Plan, Draft	Within 30 days after date of this Approval.
D.4	Site Management Plan (SMP), Final	Within 14 days after EPA's comments on Draft SMP.
D.5	Dust Control / Monitoring Plan, Draft	Within 30 days after date of this Approval.
D.5	Dust Control / Monitoring Plan, Final	Within 14 days after date of this Approval.
D.6	Grading Written Verification	Within 30 days after date of this Approval.
D.7	Post-Construction Site Management Plan, Land Use Covenant, Post Construction Report – Draft	Within 30 days after completion of parking lot construction.
D.7	Post-Construction Site Management Plan, Land Use Covenant, Post Construction Report – Final	Within 30 days after receipt of EPA's comments on draft documents.
D.8	Contingencies – Written Description	Within 30 days after date of this Approval.
D.10	Imported Fill Analytical Results	Within 30 days after date of this Approval.
D.11	Duration of Phase 1 Site Short-Term Use, Verify Schedule	Within 7 days after RVSD signs contracts.
D.11	Verify Phase 1 Site short-term use may be extended in the future.	Within 30 days after reaching conclusion short term use may be extended.
Condition	Deliverables	Deadline
	Phase 2 Site, Long-Term Use	
E.1	Written Notification End of Short-Term Use, Scope for Long-Term Use, and Application Amendment	Within 90 days after RVSD's notifies EPA that short-term use of the Phase 1 Site has ended. Notification of the end of the Phase 1 Site short-term use must be within 30 days after the end of that use.

G. Compliance with this Approval and Applicable Regulations

This Approval does not relieve the RVSD and its consultants from complying with other applicable TSCA PCB and Federal regulations, and state and local regulations and permits. Departure from the conditions in this Approval without prior written permission from EPA may result in the revocation of this Approval. Nothing in this Approval bars EPA from imposing penalties for violations of this Approval or for violations of other applicable TSCA PCB requirements or for activities not covered in this Approval. If additional information demonstrates that EPA can no longer determine that human and environmental exposure controls at the Property and those controls (e.g., parking lot as a


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temporary cap) that facilitate the short-term use of the Phase 1 Site are protective of human health and the environment, EPA will modify or revoke this Approval.

 I.L.S. ASSOCIATES, INC.[®] CIVIL ENGINEERING AND LAND SURVEYING 75 GALL CIRCLE, SUITE A NEWTON, MA 02459-5317 (617) 552-8226 FAX (617) 552-2152	ROSS VALLEY SANITARY DISTRICT 2000 LAKESIDE LANDING CIRCLE LAKESIDE CALIFORNIA 94554 (916) 434-2411 FAX (916) 434-2413	
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